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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,948	12/11/2001	Keith D. Allen	R-605	2942
26619	7590	04/20/2005	EXAMINER	
DELTAGEN, INC. 1031 Bing Street San Carlos, CA 94070			TON, THAIAN N	
			ART UNIT	PAPER NUMBER

1632

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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MERCHANT & GOULD, PC  
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MINNEAPOLIS, MN 55402-0903

In re Application of :  
Keith D. Allen :  
Serial No.: 10/015,948 : PETITION DECISION  
Filed: December 11, 2001 :  
Attorney Docket No.: R-605/40338.01 :

This is in response to the petition under 37 CFR 1.137, filed January 13, 2005, which is being treated as a petition under 37 CFR 1.181 at the request of the Office of Petitions, for withdrawal of abandonment based on incorrect mailing address.

A review of the file history shows that this application, as filed by applicant, provided as a correspondence address: DELTAGEN, INC., 740 BAY ROAD, REDWOOD CITY, CA 94063. A first Office action was mailed to this address on May 27, 2003, and a proper response made on July 31, 2003, which contained as a return address the mailing address of record. A new Office action was mailed to the same correspondence address of record on November 19, 2003, but was returned by the US Postal Service as undeliverable due to expiration of a forwarding address. No record of a change of correspondence address appears in the record until April 12, 2004, when the address was changed to: DELTAGEN, INC., 1031 BING STREET, SAN CARLOS, CA 94070. On September 23, 2004, a Notice of Abandonment was mailed to this address indicating that no response to the outstanding Office action had been received.

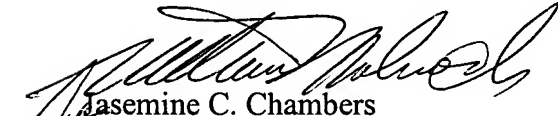
In this instance it appears that failure to receive the Office action mailed November 19, 2003, is due to applicant's failure to maintain a current correspondence address with the Office, as required. In view of applicant's failure, based on the facts of record, the petition cannot be granted under 37 CFR 1.181. It is also noted that the petition was not submitted within TWO MONTHS of applicant's notification of the abandoned status of this application as required under 37 CFR 1.181(d) and in consequence thereof a terminal disclaimer would be required before revival of this application could be effected.

The petition is **DISMISSED**.

Applicant may submit a renewed petition under 37 CFR 1.181 providing additional facts and/or evidence to show that a proper change of address was timely submitted. Alternatively, applicants may submit a petition under 37 CFR 1.137(b) for unintentional abandonment. Any renewed petition must be submitted within TWO MONTHS of the date of mailing of this petition decision.

A copy of the Office action mailed November 19, 2003, is included with this decision for applicant's convenience.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number, 571-273-8300.



Jasmine C. Chambers  
Director, Technology Center 1600